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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AUBREY LEE BROTHERS, II,
Plaintiff,
v.
CHITA BUENAFE, *et al.*,
Defendants.

No. 1:17-cv-00607-NONE-HBK
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DENYING
DEFENDANT’S MOTION FOR SUMMARY
JUDGMENT
(Doc. Nos. 39, 62)

Plaintiff Aubrey Lee Brothers, II, is appearing *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 30, 2020, the assigned magistrate judge issued findings and recommendations recommending that defendants’ motion for summary judgment based upon plaintiff’s purported failure to exhaust his administrative remedies prior to filing suit be denied. (Doc. Nos. 39, 62.) The findings and recommendations were served on the parties and contained notice that objections were due within fourteen (14) days. (Doc. No. 62 at 4.) Defendants filed objections. (Doc. No. 65.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, including defendants’ objections, the court concludes that the assigned magistrate judge’s findings and

1 recommendations are supported by the record and by proper analysis. Defendants reiterate in
2 their objections the argument that plaintiff's inmate grievance did not alert defendants to the
3 nature of plaintiff's claims. The undersigned agrees with the magistrate judge that the inmate
4 grievance in question sufficiently put prison officials on notice of the harm plaintiff alleges in this
5 suit, namely the ongoing pain from which he allegedly suffers following a "botched" dental
6 procedure performed during his imprisonment.

7 Accordingly,

- 8 1. The findings and recommendations issued on September 30, 2020 (Doc. No. 62),
9 are adopted in full;
- 10 2. Defendant's motion for summary judgment filed on November 5, 2019 (Doc. No.
11 39) is denied; and
- 12 3. The matter is referred back to the magistrate judge for further proceedings.

13 IT IS SO ORDERED.

14 Dated: March 24, 2021

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17 UNITED STATES DISTRICT JUDGE
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